

First Amendment to the Contract between the County of Santa Clara and City of Milpitas - Contract Number SNP03006

14

This is the first amendment to the contract between the County of Santa Clara (COUNTY) and City of Milpitas (CONTRACTOR) effective from July 1, 2003 through June 30, 2004 for the purpose of providing meals for senior citizens utilizing funds from the Older Americans Act of 1965, as amended, P.L. 89-73; 42 U.S.C Section 3000 et seq., and all amendments, rules and regulations pertaining thereto.

Background

The parties wish to amend the contract by adding language that allows reallocation of funds between Senior Nutrition contractors by issuance of a "Notice of Reallocation" from the Director of Social Services or designee. The contract is hereby amended as follows:

Amendment

1. Attachment A, Financial Accountability/Requirements is amended to add Section L "Reallocations" to read as follows:

L. Reallocations

1. Reallocation Authority. CONTRACTOR agrees that COUNTY has the authority to reallocate funds under this Contract to other Senior Nutrition Contractors. The parties agree that reallocation may occur when the COUNTY finds that reallocation improves its ability to meet desired service levels and serves to maximize available funds for provision of senior nutrition services. In making its determination, COUNTY may consider various factors, including but not limited to, consumer demand for nutrition services, CONTRACTOR's service delivery, CONTRACTOR's fund expenditure capability, unanticipated reduction or augmentation of COUNTY's funding and analysis of Senior Nutrition Contractor spending patterns over time. Reallocation of funds from one contractor to another may not serve to increase or decrease the sum total allocated and approved by the County Board of Supervisors for all Senior Nutrition service contracts each fiscal year.
2. Procedure to Effect Reallocation. A written "Notice of Reallocation" must be issued to CONTRACTOR 30 days prior to the effective date of reallocation by the Director of Social Services Agency or designee, in order to effect a reallocation under this Contract. The Notice of Reallocation must specify the reallocation amount and the effective date of the reallocation. Upon its issuance, the Notice of Reallocation and any subsequent revisions thereto, will become part of this contract and will be attached hereto.

All other terms and conditions of the contract will remain in full force and effect.

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AREA AGENCY/CONTRACTOR

Name of Agency: City of Milpitas

Name of Program: Senior Nutrition Program Congregate Meals

Signature: _____

Print Name: _____

Title: _____

Date: _____

COUNTY OF SANTA CLARA

By: _____

Date: _____

Will Lightbourne, Agency Director
Social Services Agency

APPROVED AS TO FORM AND LEGALITY:

By: *Sylvia Kennedy* _____

Date: 9-5-03 _____

Sylvia Kennedy
Deputy County Counsel